



## MINUTES

### HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 25, 2009

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. – COUNCIL CHAMBERS

#### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**      *P*      *A*      *P*      *A*      *A*      *P*      *P*  
*Speaker, Mantini, Farley, Shier Burnett, Scandura, Livengood, Delgleize*

Commissioner Mantini, Chair Shier Burnett, and Commissioner Scandura were absent.

#### AGENDA APPROVAL

A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 25, 2009, BY THE FOLLOWING VOTE:

AYES:            Speaker, Farley, Livengood, Delgleize  
NOES:           None  
ABSENT:        Mantini, Shier Burnett, Scandura  
ABSTAIN:       None

#### MOTION APPROVED

#### **A.      PROJECT REVIEW (FUTURE AGENDA ITEMS)**

##### **A-1.    CONDITIONAL USE PERMIT NO. 09-018 (BJ'S RESTAURANT EXPANSION)** **– Ethan Edwards, Associate Planner**

Ethan Edwards, Associate Planner, gave a brief overview of the proposed project.

Commissioner Speaker noted that the project proposes an expansion of over 900 sq. ft. and a closure of an existing exit, and said that he has concerns with safety. Bill Reardon, Fire Division Chief, said that the Fire Department has worked with the Building & Safety Department to ensure adequate exiting for the proposed project.

Mr. Speaker also noted that the Design Review Board provided the applicant with seven suggested conditions of approval dealing with aesthetics and landscaping, and that the applicant is in agreement with those conditions.

Vice Chair Farley asked about the color scheme of the proposed façade improvement and asked if the repainting would be completed for the entire building. Mr. Edwards noted that the applicant is proposing to paint only the subject suite. He also noted that the property owner is considering repainting the entire building within two years.

Mr. Farley also asked staff to provide more details regarding waitstaff/server access to the proposed outdoor dining area.

**A-2. CONDITIONAL USE PERMIT NO. 09-017/ENTITLEMENT PLAN AMENDMENT NO. 09-005 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 93-6 – COACH’S RESTAURANT EXPANSION) – Ethan Edwards, Associate Planner**

Ethan Edwards, Associate Planner, gave a brief overview of the proposed project.

Commissioner Speaker asked staff where the proposed restaurant expansion would be and Mr. Edwards said that the expansion would take place within Suite 103.

Commissioner Livengood said that that he has concerns with the proposed 2:00 AM closing time and asked staff to review. Rami Talleh, Senior Planner, directed the Planning Commission to staff report attachment 5.1, item #8, which is the Police Department’s recommended condition of approval for 1:30 AM closure. Director of Planning Scott Hess and Police Captain Chuck Thomas noted that the Police Department has already reviewed the plans and raised concerns with the proposed 2:00 AM closure. Captain Thomas also said that the Coach’s Restaurant is not conducive to a nightclub-type environment.

Commissioner Farley said that he would like more details on where the proposed musicians and belly dancer would be situated. Mr. Edwards noted that the expansion would facilitate room for the musicians and that the belly dancer would be moving throughout the restaurant during the course of her duties.

**A-3. ZONING TEXT AMENDMENT NO. 09-003 (MASSAGE ESTABLISHMENT CODE AMENDMENTS) – Rosemary Medel, Associate Planner**

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project.

Commissioner Delgleize asked if it will be mandatory for a business offering massage to be certified by March 2010. Ms. Medel said that the individuals offering massage must be licensed, not the businesses. Police Captain Chuck Thomas said that the new state mandate requires that individuals offering massage must be certified.

Director of Planning Scott Hess noted that anyone offering a massage must have state certification under SB 731. Captain Thomas noted that the state certification would be valid anywhere in the state of California.

Commissioner Speaker asked if further testing would be required of individuals who had passed the state certification. Deputy City Attorney Dan Ohi said that further testing would probably not be required.

Mr. Hess noted that the Massage Establishment Code Amendments are geared toward a business-friendly approach and that massage will be permitted in most commercial/industrial zones in the city providing that the business has a license and the massage therapist has state certification.

**B. STUDY SESSION ITEMS - NONE**

**C. PUBLIC COMMENTS - NONE**

**D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Rami Talleh**

Rami Talleh, Senior Planner, reviewed the items for tonight's meeting. He advised that there is one non-public hearing item (General Plan Conformance/Capital Improvement Program for Fiscal Year 2009/10) and that no Late Communications have been received.

**E. PLANNING COMMISSION COMMITTEE REPORTS - NONE**

**F. PLANNING COMMISSION COMMENTS - NONE**

**5:55 PM – RECESS FOR DINNER**

**7:30 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Speaker

**ROLL CALL:**        *P        A        P        P        A        P        P*  
*Speaker, Mantini, Farley, Shier Burnett, Scandura, Livengood, Delgleize*

Commissioners Mantini and Scandura were absent.

**A MOTION WAS MADE BY LIVENGOD, SECONDED BY DELGLEIZE, TO MOVE ITEM NOS. C-1 AND C-2 AFTER ITEM NO. D-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 25, 2009, BY THE FOLLOWING VOTE:**

**AYES:**        Speaker, Farley, Shier Burnett, Livengood, Delgleize  
**NOES:**        None  
**ABSENT:**    Mantini, Scandura  
**ABSTAIN:**    None

**MOTION APPROVED**

**THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.**

**A. ORAL COMMUNICATIONS - NONE**

**B. PUBLIC HEARING ITEMS - NONE**

**C. CONSENT CALENDAR**

**C-1. PLANNING COMMISSION MINUTES DATED JUNE 23, 2009**

**RECOMMENDED ACTION:** Motion to: "Approve the June 23, 2009, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE JUNE 23, 2009 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Speaker, Farley, Shier Burnett, Livengood, Delgleize  
**NOES:** None  
**ABSENT:** Mantini, Scandura  
**ABSTAIN:** None

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED JULY 14, 2009**

**RECOMMENDED ACTION:** Motion to: "Approve the June 23, 2009, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY FARLEY, SECONDED BY SPEAKER, TO APPROVE THE JULY 14, 2009 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Speaker, Farley, Shier Burnett, Livengood, Delgleize  
**NOES:** None  
**ABSENT:** Mantini, Scandura  
**ABSTAIN:** None

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS**

- D-1. GENERAL PLAN CONFORMANCE NO. 09-004 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2009/10) Applicant:** City of Huntington Beach  
**Request:** To determine if the 2009/10 Capital Improvements Program (CIP) is in conformance with the goals, objectives, and policies of the General Plan.  
**Location:** Citywide **Project Planner:** Rosemary Medel

**RECOMMENDED ACTION:** Motion to: "Adopt Resolution No. 1633, approving General Plan Conformance No. 09-004 with findings (Attachment Nos. 1 and 2)."

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project.

Commissioner Speaker asked if the capital improvements were planned for current projects and Mr. Talleh said yes.

Vice Chair Farley asked about the inclusion of solar power projects. City Engineer Tony Olmos said that Energy Project Manager Aaron Klemm is seeking solar power opportunities, but no specific projects have been identified yet.

Commissioner Delgleize asked staff how a project qualifies to be included on the Capital Improvement Program list. Mr. Olmos said that Public Works solicits potential projects from other city departments and takes the lead in developing the Capital Improvement Program list.

Commissioner Delgleize also asked about the possibility of public restrooms being constructed on Main Street. Mr. Olmos said that this type of potential Capital Improvement Project would be proposed by the Community Services or Economic Development Departments.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO ADOPT RESOLUTION NO. 1633, APPROVING GENERAL PLAN CONFORMANCE NO. 09-004 WITH FINDINGS, BY THE FOLLOWING VOTE:**

**AYES:** Speaker, Farley, Shier Burnett, Livengood, Delgleize  
**NOES:** None  
**ABSENT:** Mantini, Scandura  
**ABSTAIN:** None

**MOTION APPROVED**

**FINDINGS FOR APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 09-004**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

**FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO.09-004:**

1. The 2009/10 Capital Improvement Program conforms to the following goals, objectives, and policies of the General Plan:

**I. FACILITY IMPROVEMENTS**

**A. Land Use Element:**

*LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.*

**B. Public Facilities and Public Services Element:**

*PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.*

Capital Improvement projects proposed for fiscal year 2009/10 provide necessary maintenance, improvement and modifications that support the continued use of various city facilities.

## II. PARKS AND BEACHES

Recreation and Community Services Element:

*RCS 3.1.1 Design neighborhood park features and facilities that are responsive to the recreational preferences expressed by the park users and local neighborhood residents.*

*RCS 4.1 Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.*

The improvements to these existing recreational facilities as part of the Capital Improvement Program will ensure that these facilities continue to accommodate the services needs of visitors.

## III. STREETS AND TRANSPORTATION IMPROVEMENTS

Circulation Element:

*CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.*

*CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.*

*CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.*

Capital improvements maintain an integral circulation infrastructure, thereby allowing movement of people and goods throughout the community. Needed improvements to the traffic system ensures that there is minimal conflict between pedestrians, bicycles and vehicles.

## IV. WATER IMPROVEMENTS

Utilities Element:

*U 1.1.1 Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.*

*U 1.1.3 Continue to evaluate the adequacy of the water supply and distribution system.*

Capital improvements which address the monitoring of the existing water system ensures that the water supply system is able to accommodate future development within the City and maintains or expands the City's water supply.

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

Rami Talleh, Senior Planner- reported on the items from the previous City Council Meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

Rami Talleh, Senior Planner – reported on the items for the next City Council Meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

Rami Talleh, Senior Planner – reported on the items scheduled for the next Planning Commission Meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Speaker noted that he will be recusing himself from the Planning Commission special meeting of September 1, 2009. He also asked staff to provide a police report on Metro Q Restaurant when Conditional Use Permit No. 08-009 comes before the Planning Commission at a study session on September 9, 2009. Senior Planner Rami Talleh noted that a police report will be included with the staff report.

Chair Shier Burnett noted that she will be recusing herself from the Planning Commission special meeting of September 1, 2009. She also said that she is unsure of her attendance at the meeting of September 9, 2009, as she is expecting a baby on September 11, 2009.

Commissioner Delgleize asked staff if the special meeting of September 1, 2009, starts at 5:00 PM and staff said yes.

**ADJOURNMENT: Adjourned at 7:14 PM to the special meeting of Tuesday, September 1, 2009.**

APPROVED BY:

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Scott Hess, Secretary

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Elizabeth Shier Burnett, Chairperson